

MEETING 34 September 11

At a Regular Meeting of the Madison County Board of Supervisors on
September 11, 2007 at 3:00 p.m. in the Madison County Administrative Center
Auditorium:

PRESENT: Eddie Dean, Chairman
James L. Arrington, Vice-Chairman
William L. Crigler, Member
Bob Miller, Member
Clark Powers, Member
V. R. Shackelford, III, County Attorney.
Lisa R. Kelley, County Administrator
Jacqueline S. Frye, Secretary

Chairman, Eddie Dean called the meeting to order and announced all
Board members were present.

IN RE: VIRGINIA DEPARTMENT OF TRANSPORTATION

Roy Tate, Assistant Resident Engineer, was present and stated that all
paperwork has been received for Larkins Mill (Route 702); mowing cycle will begin on
Monday; paving contract is underway and are currently working in Culpeper – unsure as
to when paving will arrive in Madison but hope this takes place before the winter season
sets in; the department has been unable to clear a lot of the cedar pines from many of the
roadways – this will be taken care of shortly; advised that construction will be initiated
on Route 680 shortly; currently have right-of-way for several roadways and are awaiting
funding to complete improvements – advised that Jimmy Clore will retire from the
Department in January 2008.

James L. Arrington asked for an update on the Intersection at Shelby
(Route 662).

Roy Tate advised the State has dedicated \$750,000.00 for signal
installations and will first occur in the Counties of Albemarle, Culpeper and Madison; the
Department is currently moving forward with a design plan. He advised that rumble
strips were installed on the southbound lane of Route 29, but not on the northbound lanes.

In closing, Roy Tate advised that funding is tight and has been cut by five
percent (5%).

Chairman, Eddie Dean asked that an update be provided on a monthly basis regarding Larkins Mill (Route 702) due to the quickly approaching deadline, to which Roy Tate advised would be done.

IN RE: PAYROLL & CLAIMS

Chairman, Eddie Dean asked if there were any concerns about the Payroll & Claims Report as presented.

James L. Arrington asked for an update on the assessment process being performed by Blue Ridge Appraisal, Inc.

Teresa Miller, Finance Director, advised the County has not received a final bill for the five percent (5%) retainer fee.

James L. Arrington also asked about an entry on Page 16 of the report pertaining to Fleetwood Financial, Inc. (leasing of equipment).

Teresa Miller, Finance Director, stated the entry is for recording equipment leased advised this entry was for E-911 system equipment that was ordered by Robert Finks for the EOC. her department will soon be utilizing the accrual accounting method; today's report contains invoices posted for the past and current year and there should be one (1) more report done in the current format. She also advised she is working with the Department of Social Services and the Treasurer's Office still has to complete accrual transactions for County revenue.

James L. Arrington asked if there were any expense items the Board will need to focus on.

Teresa Miller, Finance Director, advised the first quarter includes quarterly contributions made by the County; she stated there were also expenditures on the Madison Main Street Project and the Courthouse Project – these have been reviewed and approved by Lisa Kelley, County Administrator. In closing, she stated there were no unusual expenditures during the month.

After discussion, on motion of James L. Arrington, seconded by William L. Crigler, the warrants issued in satisfaction of payroll for August 2007 (Checks #30110186 through #30110190 and electronic transfer #2) are hereby approved, with the following vote recorded:

Eddie Dean

Aye

James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

On motion of James L. Arrington, seconded by William L. Crigler, the warrants issued in satisfaction of claims against the County for August 2007 (Checks #10125766 through #10125993) are hereby approved, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Absent

IN RE: SUPPLEMENTAL APPROPRIATIONS FOR POST YEAR 2006-2007

Chairman, Eddie Dean stated the following supplemental appropriations for post year 2006-2007 need to be approved by the Board.

Teresa Miller, Finance Director, stated the supplements represent funding that is being supplemented from last year's budget and denotes purchases made during the last year; she advised that Social Services will probably need a supplement for CSA but they haven't completed training and would like to wait until this is done before they close out for the year.

1.	County Administrator #6001-12110	Post Year Balance	\$ 34.32
2.	Assessor #3170-12310	Post Year Balance	\$14,060.00
3.	EMS #6030-32600	Post Year Balance	\$ 2,303.26
4.	Transfer Station #34190-42400	Post Year Balance	\$55,763.53
5.	Facilities & Maint. #8108-43200	Post Year Balance	\$ 9,939.87
6.	Main Street Proj. #5895-81200	Post Year Balance	\$ 1,650.80
7.	Updating Tax Map #8103-81700	Post Year Balance	\$ 2,301.91
8.	Recycling #3176-82601	Post Year Balance	<u>\$ 1,730.89</u>

TOTAL: \$87,784.58

After discussion, on motion of William L. Crigler, seconded by James L. Arrington, the aforementioned supplemental appropriations for post year 2006-2007 totaling \$87,784.58, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye

William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

IN RE: SUPPLEMENTAL APPROPRIATIONS

Chairman, Eddie Dean stated the Board will need to approve supplemental appropriations for September 2007.

- | | | |
|----|--|-------------|
| 1. | Park & Recreation (funds deposited for youth sports)
#5690-71100 | \$14,094.00 |
| 2. | Park & Recreation (funds deposited for health fitness)
#5691-71100 | \$ 468.00 |
| 3. | Sheriff's Department (DMV Grant – Highway Safety)
#1730-31200 | \$ 1,792.91 |
| 4. | Sheriff's Department (Insurance proceeds for auto claim
\$2,159.52 – deductible \$250.00) #6009-31200 | \$ 2,419.52 |

*Recommendations of County Administrator:

- | | | |
|----|---|--------------------|
| 1. | School Request (re-appropriation of funds for new school bus) | \$69,635.00 |
| 2. | School Request (grant rec'd for "Teaching American History) | <u>\$ 5,750.00</u> |

TOTAL: \$94,159.43

James L. Arrington asked if these funds were coming from the current budget year.

Chairman, Eddie Dean advised it was because the purchase(s) couldn't be completed prior – these funds were carried over from the previous year's budget because the procurement could not take place at that time.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the Board approved the supplemental appropriations for September 2007, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

IN RE: MADISON COUNTY SCHOOLS

Dr. Brenda Tanner, Superintendent, was present stated last year's enrollment on the 10th day of school stood at 1,858 students in grades K through 12 and does not include the Pre-school Program; she advised this year's enrollment on the 10th day totaled 1,854 students – she advised this year's kindergarten class is rather large with 141 students enrolled; she also advised there are currently 45 students enrolled in classes for students from the ages of 2 through 4 (including special education). She stated that enrollment usually stabilizes after the Labor Day holiday; however, this will continue to be monitored throughout the year.

Dr. Tanner advised there are currently (32) buses on the road this school year; there were 1,600 breakfast meals served and 9,100 lunches served to date; she also advised this is the first year that breakfast is being served in all schools (except MCHS); she stated that all four (4) schools met the higher benchmarks in student achievement - however, the County did not meet the national benchmarks (i.e. critical reading, writing, math) as there were some slight declines noted.

Dr. Tanner advised a meeting has been scheduled for Monday, 9/17/07 @ 7:00 p.m. in the School Board Office to discuss and collect living history from citizens of Madison County who may have attended the old elementary school. information from citizens who attended the old elementary school .

Dr. Tanner advised that Nancy Tanner has been selected as an interim School Board member and will serve in the assignment until a new member has been appointed.

James L. Arrington asked for clarification as to how all the schools attained the benchmarks but was unsuccessful as an entire school system.

Dr. Tanner explained the criteria involved and advised the acceptable number of benchmarks for a school is (29), whereas for an entire school system, it is (35) – the criteria is in correlation to the “No Child Left Behind Act” and there are various categories which are assessed (i.e. economically disadvantaged students; students with disabilities, math performance and critical reading, etc.).

Bob Miller asked what percentage of students took the SAT tests.

Dr. Tanner advised she “did not have this information in front of her right” but “would get it” – she also stated the School Board discussed this issue at last evening’s meeting.

In closing, Bob Miller clarified his request and reaffirmed that Dr. Tanner would provide the information, to which Dr. Tanner stated, “yes, I will. “

William L. Crigler asked if the meals program was a “prepaid program” and asked how staff determined how many meals were served in a day.

Dr. Tanner explained the procedure in which staff determines the total number of students served; she advised students are now given meal choices instead of the “standard” meal.

William L. Crigler asked if the same amount of staff served for all meals, to which Dr. Tanner stated they did.

Dr. Tanner informed the Board of the upcoming home football game in Madison County.

William L. Crigler and other Board members thanked Dr. Tanner for the season passes they received on behalf of the Madison County School Board.

IN RE: MADISON FACILITIES & MAINTENANCE

Ross, Shifflett, Director of Facilities & Maintenance, provided an overview of the months activities; he also complimented Dr. Tanner and school staff at Wetsel Middle School for the improvements made to the student drop off process in the a.m.

Ross Shifflett advised a representative from the Department of Environmental Quality will be on site at the Transfer Station on Wednesday for the inspection to the gas well and water well at the site – Guy Richards has been advised and will also be on hand for the event; advised that Open House has been scheduled at the Madison Transfer Station and Madison Animal Shelter for Saturday, September 29, 2007; Bob Reid of Brightwood has sent a reminder to the Board of the Tri County Track meet which is also scheduled for Saturday, 9/29/07. He advised the Farmer’s Market is underway and going very well.

William L. Crigler asked for clarification as to the “front areas of the courthouse” as indicated in the monthly report

Ross Shifflett advised the “front areas” being referred to in the monthly report are the areas that face the Main Street (i.e. bat excrement was removed from the edge of the building).

William L. Crigler asked about the window sills at the Social Services building.

Ross Shifflett advised the condition of the window sills have been noted and improvements should be made shortly; he advised that John Hunton is also working on revising the upstairs restroom from office space since additional staff will be hired shortly.

James L. Arrington stated the charging of commercial haulers to use the Transfer Station appears to have been very successful – he wondered about the total collections being generated.

Ross Shifflett stated the County has only received about (2) NSF checks for fees; however, the collections to date have totaled roughly about half of the monthly costs being charged to the County from USA Waste; he also indicated this was the anticipated goal when the County implemented collection fees at the facility.

James L. Arrington commended the staff on doing such a fine job at the Transfer Station.

Bob Miller asked if the rate has changed in surrounding Counties.

Ross Shifflett stated rates have not changed; however Roger Davis has been following this information and has found that Orange County will begin initiating fees at their Transfer Station - it appears that Madison County's fees are slightly above what surrounding localities are currently charging.

IN RE: MADISON CHAMBER OF COMMERCE

Tracey Williams, Tourism Coordinator, advised there were three (3) new members to the Chamber during the month; mixer hosted by Utz Container Service and Christensen Ridge was well attended; still attending Boys & Girls club meetings; plans are underway for the Chamber's annual banquet to be held on Monday, November 19, 2007 @ the Madison Firehall; typed/distributed minutes for the GMMSP; visitor center

had (60) visits in August; website had (4,888) hits since the last month; Taste of the Mountains Festival was extremely successful this year – much larger crowd than last year (weather was perfect) and had more food vendors than ever; plans are underway for the Christmas Tree Lighting & Parade.

Bob Miller provided Tracey Williams with a magazine that documents activities in Counties located in the Piedmont region.

IN RE: EMERGENCY MANAGEMENT SERVICES

Carl Pumphrey, EMS Coordinator, provided a report of all activities for the month of August, 2007; he also stated there have been a couple of hazmat calls on a monthly basis due to motor vehicle accidents; also provided an overview of the incident that took place over the weekend involving the crash of a private aircraft.

William L. Crigler asked how many injuries were sustained.

Carl Pumphrey stated minor injuries occurred as a result of an individual overheating and the stress of working on the hillside – also, a deputy from Spotsylvania County was operating an ATV and the vehicle popped up in the air and tipped over – operator was struck in the face and sustained lacerations that required stitches (individual was transported to UVA and was treated and released).

Clark Powers advised he met with family members of the victims involved in the airplane crash – they appeared very supportive of the techniques displayed by Madison County emergency personnel.

Carl Pumphrey advised the family members came to the Command Post for a short while and appeared to be well pleased with the manner in which the situation was handled; he also advised the grandparents came from the Midwest and were also well satisfied with the efforts that were being undertaken by emergency personnel.

In closing, Carl Pumphrey stated he felt the entire operational process was very successful which included a multi-jurisdictional and unified command being utilized (statewide) and provided various equipment and resources. He stated the entire incident lasted a little over thirty-six (36) hours and it was amazing at what was accomplished on the mountainside.

Clark Powers asked if the downed plane was removed from the sight, to which Carl Pumphrey stated an investigation would be performed during the first part of the upcoming week; he also advised there was discussion about disassembling the aircraft and removing it by the use of a tractor.

IN RE: MADISON EMERGENCY MEDICAL SERVICES

Lewis Jenkins, EMS Coordinator, stated the monthly report will be provided next month – due to call load this past weekend and a new EMS charting software package; he advised that Jason Inofuentes completed the Pediatric advanced life support course and Kevin Hertzler completed the Hazards Materials awareness class this month; completed all the regionally required skills testing for all full-time staff with our OMD in attendance; also advised that all available ambulances were staffed for Street festival with career and volunteer providers (no calls for service this year).

Lewis Jenkins also advised there were (2) additional ambulances staffed most of the day on Friday and Saturday during the search and recovery; he also the new pickup that was purchased during the past year was extremely useful during the search/recovery mission that occurred over the past weekend.

James L. Arrington asked if the EMS department was fully staffed, to which Lewis Jenkins replied “yes.”

Lewis Jenkins advised there are at least two (2) people who have applied for other assignments and he fully expects they have a very good chance at being considered for those positions.

IN RE: MADISON VOLUNTEER RESCUE SQUAD

William L. Crigler provided the following report for the month of August 2007:

39 patient emergencies

4 assist EMS

43 total calls

Chairman, Eddie Dean asked about the total number of nights that EMS personnel assisted during the month.

Lewis Jenkins, EMS Coordinator, advised his staff assisted for three (3) nights out of five (5).

IN RE: MADISON COUNTY E-911

Chairman, Eddie Dean also advised that Robert Finks, E-911 Coordinator, is at home recovering from a recent surgical procedure to his back; he advised recovery is going well and advised he was unsure as to when he would be returning to work, but feels it may be another three (3) weeks or so before this will occur.

IN RE: MADISON COUNTY SHERIFF

Chairman, Eddie Dean advised that Erik Weaver, Sheriff, was unable to attend because of a previously scheduled meeting.

IN RE: PUBLIC COMMENT

Jim O'Reilley was present and verbalized concerns over the County's Animal Control Ordinance and asked if the Madison County Board of Supervisors had further discussions during the monthly Workshop Session, to which Chairman, Eddie Dean advised did not occur.

Jim O'Reilley stated there is no real definition in the Ordinance to explain an "attack" and wants to know where it is written that a dog must "bite" before any charges can be imposed. Additionally, he suggested the BOS see how surrounding Counties handle this issue and also suggested the Ordinance be changed to include a clause to allow Animal Control Officers to be able to pick up dogs that pose a threat to County citizens. In closing, he thanked Ms. Jane DeGeorge for the article she provided to the Madison County Eagle regarding dog laws; he also advised that he was charged close to \$17,000.00 following a back injury he sustained after several Dachshunds ran up on he and his wife while they were walking along the roadway.

Clark Powers asked Mr. O'Reilley if he filed a claim with the dog's owner following the injury, to which Mr. O'Reilley advised he did not – he stated he choose not to file a claim and feels this issue needs to be resolved at the County level first.

Clark Powers asked Mr. O'Reilley if he felt the County was to blame for his injuries instead of the rightful dog owner.

Mr. O'Reilley advised he felt the injuries were a result of the County's Animal Control Ordinance not containing a clause that would allow the Animal Control

Officer to seize the dog although it did not bite – he feels if there was a more suitable definition of “attack,” the dog could have been pursued and declared as a “dangerous animal” and it would have been confined in such a manner as to not allow it to be on the public roadway running, growling and barking at anyone passing by. He advised there are (3) little dogs and bark hysterically when he and his wife walk past – he advised this happens repeated and hopes the next this happens, he is allowed to contact the Animal Control Officer and have the officer be authorized to do something.

James L. Arrington asked Mr. O’Reilley if he was suggesting the County’s Animal Control Ordinance be changed to prevent the roaming of dogs on private or public land and to take care of the noise associated with the dogs’ barking.

Mr. O’Reilley stated the dogs’ barking as he passes by is a minor irritant, however, he stated there is a serious problem when the animals are loose and they come out and pose a menace to he and his wife. In closing, he strongly suggested different wording be used to describe “attack” and “running at large” and incorporate a clause that will enable Animal Control Officers to move forward on these situations. He also suggested the Board investigate to see how Culpeper and surrounding Counties handle this type of problem and then propose written changes to the current Animal Control Ordinance. He advised that he will attend next month’s Regular Meeting to see if any consideration will be made regarding this issue.

Jack Fray was present and commended all emergency services personnel from Madison, Spotsylvania, and surrounding Counties for the joint rescue efforts provided involving the downed aircraft over the weekend. He also thanked the Madison County Board of Supervisors for their past, present and future support and foresight to purchase emergency services equipment that was essential to recover the individuals involved in the tragedy.

Matt and Susan Hill of Graves Mill were also present and verbalized concerns regarding a neighbor that hunts bears and has several hunting dogs that bark constantly; they also stated they have been intimidated by their neighbor when he shot rounds from a firearm into the air after they had been playing their music loudly in an effort to diffuse the noise made by the hunting dogs.

Chairman, Eddie Dean thanked the Hills for attending tonight's meeting and also advised them to call Lisa Kelley, County Administrator, with concerns.

Matt Hill stated the Sheriff's Department has been informed about a neighbor firing a weapon; however, he was advised this action is not illegal and can only be in the event the weapon is pointed at an individual. He also advised that Animal Control Officers have stated there is nothing they can legally do about excessive noise caused by barking dogs.

Susan Hill stated the incidents of noise have caused her and her husband mental anguish and they are unable to enjoy the comfort of their porch.

Matt Hill asked if it was considered to be acceptable for a citizen to inject their noise onto someone else's property and this be "ok." He advised he has done some research on the psychological effect the issue has had and feels this is a means of torture.

Susan Hill stated the issue doesn't involve a bark here and there but continuous barking for hours; she stated that she works from home and has been requested to drive into town because the listener cannot hear what is being said. In closing, she stated the situation is very horrible.

Matt Hill stated he has been advised the neighbor has made very negative remarks and claims that he has the upper hand on the Hills; he further commented that he and his wife are reasonable people and although there are state laws, this issue must be resolved by the County.

Susan Hill stated although she and her husband have spoken with the Commonwealth Attorney, it appears a resolution must start at the County level as there is nothing the Animal Control Officers can do without a clause being included in the County's Animal Control Ordinance as adopted by the Madison County Board of Supervisors.

Chairman, Eddie Dean also stated the Madison County Board of Supervisors thanked the Hills for attending and bring their concerns to the attention of the Board; he also advised this issue will be discussed with V. R. Shackelford, III, County Attorney, to investigate what can be done as well as the concerns verbalized by Mr. O'Reilley and will keep all parties informed; he advised the Board plans to pursue the Ordinances in place with surrounding localities and research what options are available in

remedying the problem. In closing, Chairman, Eddie Dean suggested the Hills' not feel as though there are no concerns regarding their situation, as the Board is interested and appreciative of citizens coming forth with their concerns. He further stated it is inappropriate for anyone to be intimidated by a neighbor and also suggested the Hills feel free to contact Lisa Kelley, County Administrator, should they have further concerns in the meantime.

Chairman, Eddie Dean advised that intensive research will have to be made in the area of dogs running at large and redefining an "attack" – he advised if the Board decided to investigate the establishment of a "leash law" the current auditorium would not be big enough to seat all who would attend in protest of such a law.

Chairman, Eddie Dean advised there is a lot of interest in rural areas for property owners to have lots of acreage with many animals roaming the property; he advised the Board will have to look at the "big picture" and will try to discuss this concern further.

James L. Arrington stated he gathers that Mr. O'Reilley would like the Board to incorporate a way in owners must take responsibility to ensure their animals stay under their control on their own property only.

Matt Hill stated he researched animal control guidelines in other localities that are similar in size and demographics in Madison County and will re-submit this information to Lisa Kelley, County Administrator, by email.

Lisa Kelley, County Administrator, stated she received an email from Mr. Hill but was unable to open the document.

IN RE: KEMPER HOUSE ROOF REPLACEMENT (Contract Bid)

Lisa Kelley, County Administrator, stated there have been plans to have work performed on the Kemper House for quite some time – the Board recently advertised for bids to perform roofing work on the structure only. She stated the County's Capital Improvement Plan includes a broader schedule for roof repair, masonry repair and repainting of the exterior wood surfaces of the building; however, given the relative urgency of the different categories of work needed, the Board decided to only bid to have the roofing work done at this time. She advised that only one (1) bid was received from REWORK (Christopher Owens) in the amount of \$41,658.00 which is

only slightly less than the prior CIP estimate for all aforementioned improvements to the structure.

Lisa Kelley, County Administrator, the bid was previously submitted for roofing repairs which included all phases of work that would be needed; however, there was little demonstrated for the amount of repair work that was advertised. She also stated there were comments from contractors who attended the pre-bid conference, and based on the comments received, it is sought the repair work might end up being less expensive than was anticipated. She indicated the Board will have to decide whether to ignore the contract as presented at today's meeting or whether to accept it. She also noted that immediately following the replacement of the roof, the roof will need to be painted and fees for this work is not included in the proposed bid that has been brought before today's meeting. In closing, she stated the initial bid was proposed with all work being included (i.e. roofing replacement, paint/repair, masonry, etc) but the bid was not accepted by any contractors.

Lisa Kelley, County Administrator, advised that she will talk to John Hunton, Capital Projects Coordinator, and anticipates repainting of the roof will cost an additional \$15,000.00 to \$20,000.00.

James L. Arrington stated he felt the bid proposal appears unreasonable and stated he felt that REWORK will sub-contract the work to be completed. Additionally, he questioned if Mr. Turner would be involved in performing any of the work.

Lisa Kelley, County Administrator, advised that Mr. Turner will be sub-contracting for REWORK.

Lisa Kelley, County Administrator, also stated when the first bid was advertised for the entire package (which was later cancelled due to the lack of interest) the contractors that attended the pre-bid conference provided an opinion regarding the work being sought would cost about \$50,000.00; therefore, she advised that although the bid seems large, it is less than what prior contractors predicted.

James L. Arrington verbalized concerns as to why a contractor such as Mr. Turner would not bid on this type of job.

William L. Crigler asked what type of roofing material was involved, to

which it was indicated to be “tin” – he also shared his thoughts as to why Mr. Turner didn’t submit a bid rather than sub-contracting for REWORK.

James L. Arrington stated there were probably specific guidelines in place for historic structures such as the Kemper House.

Lisa Kelley, County Administrator, advised the work is now being bid much later in the year than was originally anticipated and inclement weather will eventually be a problem; therefore, she advised the Board can either move forward now or reject the proposed bid and wait until the spring 2008. In closing, she also stated it might be best to proceed and get this portion done and leave the repainting for 2008.

Bob Miller asked if the contract covered repair/replacement of soffets and sheeting boards; he also asked where “does the work stop” and what is denoted about additional problems that may be encountered once the roofing is being replaced (i.e. rotting wood, reconstruction).

Lisa Kelley, County Administrator, stated the bid proposal appears to cover complete replacement of the roofing at the Kemper House, one (1) out building and the replacement of gutters and downspouts on both structures. She advised part of the problem encountered resulted from no one knowing what actual type of repairs would be needed, thus making it difficult for potential bidders to bid on exact repairs; however, the proposed bid does include replacement of any wood that is deteriorating and might be contributing to the water leakage in the attic area (i.e. to include edging and roof portion as denoted in the specifications).

Chairman, Eddie Dean wanted to clarify the proposal is not only for replacement of tin but includes complete replacement of sheeting, soffets and/or whatever is necessary to complete the job and repair any water damage caused by the leakage; he also asked about the specifications for the proposed work.

Lisa Kelley, County Administrator, advised that she would converse with John Hunton, Capital Projects Coordinator, to attain what will be covered in the proposal.

Bob Miller stressed the need to be certain that all wooded areas in which the roof has to be tied must be very sound or the roof will be lost.

Chairman, Eddie Dean stressed the importance that all the aspects of this project be in place; he stated it is evident these repairs must be done correctly as the roof

will soon be deteriorated to the point where it will cost the County additional money to have it replaced. In closing, he advised the cost will continue to increase if work is delayed.

Lisa Kelley, County Administrator, advised the need to replace the peeling paint was the main focus for some time; however, there is extensive leakage in the attic that really needs to be repaired. She read of criteria contained in the bid packet for the Kemper Mansion roofing project (i.e. roof replacement, edges, gutters, soffets, downspouts, etc.).

Lisa Kelley, County Administrator, advised that John Hunton, Capital Projects Coordinator, spoke of hiring a roofing expert to investigate the roof at the Kemper Mansion and provide input as to specifications; however, when the project was bid, various contractors verbalized concerns as to whether certain aspects of the required work (i.e. exterior painting, roof replacement, soffets, downspouts, etc.) and also stated they would be unable to provide a bid for all work being required.

James L. Arrington stated he would like to converse with Mr. Turner regarding concerns as to why he did not decide to bid for the roof replacement job and also attain some information as to whether the bid being proposed is reasonable for the type of work being required.

Lisa Kelley, County Administrator, advised there was nothing wrong with attaining answers; however, the Board must either accept the bid being presented or reject the bid and begin again with a new set of specifications which will include additional work along with what already needs to be repaired. She advised that Mr. Turner is essentially participating in the bid although there is a substantial mark-up as REWORK is then general contractor. In closing, she advised it is not known why other roofing contractors did not bid on the proposed project.

Bob Miller suggested a conversation be held with Christopher Owens to determine exactly who will do the necessary work in order to deter any further delay in getting the repairs performed.

James L. Arrington asked if there was any bond required in the bid package.

Lisa Kelley, County Administrator, suggested the contractor be asked to provide a unit price for required work as a part of the proposed contract.

Bob Miller also advised that Christopher Owens may already assume he will be performing any necessary work the structure may require.

Lisa Kelley, County Administrator, stated although the specifications are unique due to the historic nature of the structure, she felt the topic was addressed at the pre-bid conference (i.e. woodwork replacement in attic); however, she stated she plans to meet with Christopher Owens about this issue.

Bob Miller stressed the County must keep water from penetrating the building at any time and feels any delay will only hinder progress.

After discussion, on motion of Bob Miller, seconded by William L. Crigler, the board accepted the contract as presented by Christopher Owens of REWORK after clarification of the unit price and whether it includes/excludes any repair work that may become necessary, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Lisa Kelley, County Administrator, advised it was decided not to make things more difficult for anyone who desired to present a bid proposal for the project.

IN RE: INVITATION (To Join a Coalition of localities formed to identify/study local problems caused by illegal immigration)

Lisa Kelley, County Administrator, stated that correspondence was received from the County Administrator of Culpeper County in which there was a request that invited other surrounding Counties to join with Culpeper to establish a coalition to provide recommendations and input to the General Assembly regarding the local impact being imposed by illegal immigration.

Lisa Kelley, County Administrator, stated most citizens saw the article in last month's newspaper which stated "the General Assembly has been commissioned to study these things." She stated there was also discussions about allow law enforcement personnel to handle this issue which would impose significant cost (i.e. locking up illegal

immigrants who have children in their care); although there are a number of things being discussed in the General Assembly. In closing, she suggested the surrounding localities that are experiencing significant problems with illegal immigrants should proceed with resolving these issues.

Chairman, Eddie Dean stated he would like to receive input from the Madison County Volunteer Rescue Squad, the Sheriff's Department, the Madison Health Department, the Department of Social Services, County Attorney and County Administrator and/or a recommendation in this area before the Board commit to take any action.

William L. Crigler also suggested some clarification be provided to what criteria will classify this issue as a problem to be handled at the County level.

Lisa Kelley, County Administrator, stated this more than likely will be addressed by the coalition since this topic is a "hot potato" and is heavily publicized from a political standpoint at the present time. She also stated there are some costs associated with providing services to illegal immigrants (i.e. social services, medical, etc.) and surrounding localities with illegal immigrants are experiencing significant costs for law enforcement in dealing with these problems. In closing, she stated that Madison County doesn't appear to be experiencing any significant costs associated with this particular issue.

William L. Crigler suggested the Madison County School System also be contacted for input on illegal immigrants enrolled in the County school system.

Chairman, Eddie Dean asked for the information to be forwarded to all the aforementioned local agencies for input and this can be discussed in further detail at the Board Workshop Session in October before any action is taken.

After discussion, on motion of Clark Powers, seconded by William L. Crigler, the Board voted to table taking any action on the request as presented by Culpeper County regarding input on combating problems caused by illegal immigration until input can be gathered from various County agencies, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye

Bob Miller	Aye
Clark Powers	Aye

V. R. Shackelford, III, County Attorney, advised the Board's request for County agencies to gather retain information that may not be kept as a part of their normal office practices and also indicated the request will be very time consuming to complete.

Chairman, Eddie Dean stated the Board will only ask the local agencies if they feel their offices serve enough illegal immigrants to warrant Madison County participate in the coalition as invited.

In summary, Lisa Kelley, County Administrator, advised she did not feel there would be any significant data available for Madison County agencies; however, she feels it ultimate decision will be based on potential laws that are discussed and voted in the General Assembly regarding the illegal immigration issue. She also stated there may be a possibility of Madison County having a "voice" in the decision, although she does not know the full details about the "coalition." In closing, she advised that any guidelines established by the General Assembly will effect all localities and not one specific region and will most likely be non-funded.

IN RE: CORRESPONDENCE

Chairman, Eddie Dean advised that a folder of current correspondence has been passed among all Board members.

Madison County Animal Control Ordinance

James L. Arrington verbalized concerns regarding dogs running at large on private property and suggested V. R. Shackelford, III, County Attorney, review the County's existing Animal Control Ordinance and make recommendations as to how the document can be amended to require owners to keep dogs and other animals under their personal control and on their personal property only and not allow the "animals" to roam onto any public or private property of others without the permission of the landowner(s).

V. R. Shackelford, III, County Attorney, stated he does have copies of all the Animal Control Ordinances utilized by the surrounding localities; he also advised the Board will need to determine whether to change the Ordinance to include a mechanism with regard to licensed dogs roaming at large.

on the property of the owner(s) only and not be allowed to roam onto public and/or private property.

V. R. Shackelford, III, County Attorney, stated the document could be amended to include a mechanism that would pertain to licensed dogs roaming at large; he stated significant changes will warrant several complaints and stressed there will not be sufficient law enforcement personnel in Madison County to handle the volume.

James L. Arrington suggested the topic be discussed at Public Hearing to see if there is sufficient support on behalf of the public to require dogs and other animals be kept on the property of their legal owners.

V. R. Shackelford, III, County Attorney, advised that Orange and Culpeper Counties both have verbiage which requires animals be kept on the property of their original owners; however, this is not enforced. In closing, he stated that he agrees with Mr. O'Reilly's concerns regarding the verbiage contained in the County's Animal Control Ordinance that pertains to dogs (running @ large & "attack") does "not fit" - however, he stated he did not feel anything would be resolved by defining the word "attack" as is described in the section that pertains to vicious and dangerous dogs. Additionally, he stated a major issue of concern is whether to decide to prohibit licensed dogs to run at large with regard to exceptions (i.e. hunting, training).

James L. Arrington asked if there were provisions in surrounding Counties for dogs while hunting, to which V. R. Shackelford, III, County Attorney, advised that during hunting, dogs are allowed to enter onto private personal property; however, the Ordinance also allows the hunter to retrieve his/her dog(s) off the private personal property of individuals who have "no hunting" or "no trespassing" signs posted.

James L. Arrington stated that he strongly opposes hunting taking place on his private property.

Lisa Kelley, County Administrator, advised in the event a hunter is out and his/her dog(s) trod onto private personal property, the State Law indicates this is not illegal for a dog to enter onto that property; however, the hunter(s) is to be allowed to retrieve his/her dog (without a firearm) from the private personal property.

Chairman, Eddie Dean stated there have been concerns verbalized today regarding noise from dogs.

V. R. Shackelford, III, County Attorney, verbalized comments regarding the definition of “attack” and stated the issue of noise has risen before with regard to pets being at festivals held in the County and extensive barking (i.e. decibel standards).

V. R. Shackelford, III, County Attorney, asked if the issue of controlling dogs be legislated by County government.

James L. Arrington stated he feels when there is a situation in which neighbors are pitted against one another, County government should step in.

V. R. Shackelford, III, County Attorney, advised that he has provided various options to the Madison County Board of Supervisors; however, the Board will need to provide input as to what direction to go and whether the Ordinance should be publicized to notify citizens that licensed dogs will be prohibited from running at large; he also advised the noise issue is beyond the verbiage contained in the Animal Control Ordinance.

V. R. Shackelford, III, County Attorney, advised a report is given by the Sheriff’s Department each month regarding activity resulting from the County’s Animal Control Ordinance – he feels should changes be incorporated, there will only be additional complaints as he does not feel the existing structure of the Animal Control Officers is enough to handle an increasing number of calls to retrieve animals.

Lisa Kelley, County Administrator, explained that Carole Heller, Manager of the Animal Shelter is the correct personnel to handle cases in which animals are retrieved for violating the Ordinance and need to be placed in holding; however, if the County is to require dogs to be retrieved by Animal Control Officers in the event an animal is dangerous, this will be a manpower issue and a capacity issue for the Animal Shelter.

Clark Powers verbalized concerns as to how best remedy the problem being brought forth by Mr. O’Reilley (i.e. dog running at large).

Lisa Kelley, County Administrator, advised when people think of “dogs running at large” they usually believe the animals are running a long way from where they live; however, the situation that is being brought forth by Mr. O’Reilley has taken place on a state road whereas the dogs run out to the roadway from the house when Mr. O’Reilley walks along the property. She advised in order to try to remedy the problem,

Animal Control Officers are going to be called after the incident and either issuing a summons or taking the dogs into custody.

V. R. Shackelford, III, County Attorney, stressed the matter of the call being investigated “after the fact” and stated this point will have to be proven – he stated lawyers can always come for the and declare the burden of proof that denotes the dogs did, in fact, run off the property.

James L. Arrington recalled an incident in which a neighbor’s pit bull terrier was on his property standing in the path to his farm truck.

Bob Miller stated there is a density issue in Madison County.

William L. Crigler asked V. R. Shackelford, III, County Attorney, to provide a copy of the Animal Control Ordinances being utilized by the surrounding Counties.

V. R. Shackelford, III, County Attorney, advised that he would provide the documents for review by the Board.

Lisa Kelley, County Administrator, asked if V. R. Shackelford, III, County Attorney, would provide some suggested alternatives in the event no recommendations are forwarded.

V. R. Shackelford, III, County Attorney, stressed the bottom line will be whether to impose a penalty for licensed dogs.

Bob Miller suggested a component be added to the existing Animal Control Ordinance to combat repeat offenders and take custody of the dogs away for a temporary period of time.

Chairman, Eddie Dean stated the County can have all the Ordinances imaginable, however, if there are not effective tools in place to enforce these documents, all efforts are in vain. He advised he did not feel it would be feasible for the County to impose to do something on paper only and not be able to fully execute the guidelines.

James L. Arrington stated he feels the County should determine whether the contents of any Ordinance are enforceable; if so, then appropriate measures should be made to effectively enforce the contents of the document.

After an intense discussion, on motion of James L. Arrington, seconded by

Clark Powers, the Board voted to suggest that V. R. Shackelford, III, County Attorney, and Lisa Kelley, County Administrator, to prepare a recommendation as how best to redesign the County's Animal Control Ordinance to provide control over dogs running at large, licensed.

Lisa Kelley, County Administrator, advised if the motion is withdrawn, she will obtain some options from V. R. Shackelford, III, County Attorney, and will proceed with recommendations after meeting with staff from the Animal Shelter and the Animal Control Officers, as well as the Sheriff's Department.

MOTION WITHDRAWN

IN RE: CAPITAL PROJECTS & OTHER ITEMS

Chairman, Eddie Dean advised there has been discussion about Route 702 (Larkins Mills) and asked for an update from Lisa Kelley, County Administrator.

Lisa Kelley, County Administrator, advised she has signed the Revenue Sharing Agreement pertaining to Route 702 (Larkins Mill) as presented by the Virginia Department of Transportation – although approval has been granted for the funds, the County is not authorized to spend any of the funds until a letter is sent after the Revenue Sharing Agreement has been received by their office, at which time, the County will then be able to move forward with the project.

Lisa Kelley, County Administrator, advised that Don Gore has been very helpful and provided very effective resource information. She advised the Engineering Office of the Virginia Department of Transportation is in the process of compiling resource data for approval.

IN RE: VIRGINIA DEPARTMENT OF CONSERVATION & RECREATION

Lisa Kelley, County Administrator, stated correspondence was received from the Virginia Department of Conservation & Recreation pertaining to an application the County submitted for grant funding for a water quality improvement project for the Chesapeake Bay Watershed. She advised the grant request was for \$5million dollars and \$2million dollars was awarded with Madison County being designated within the group. She advised that Madison County will receive \$26,000.00 for a storm water management project – the proposal was for an ordinance that would establish some measures that would be implemented to the development process to protect some of the waters that

have currently been identified as “impaired” from being jeopardized as a result of low impact develop practices appears to be significant in creating buffers in certain areas. She advised this issue was discussed by representatives from the Soil & Water Conservation District a short while ago and the County will be working close with those representatives on this issue.

In closing, Lisa Kelley, County Administrator, stated it seems localities in which grant funding can be well spent are highly favored at the state level.

IN RE: CAPITAL PROJECTS

Courthouse Project

Lisa Kelley, County Administrator, advised the architects are well on their way to design Phase II of the Courthouse Project; a meeting was held a week ago to coordinate a schedule for the architects to provide the final design to the County; this will enable the bid documents to be available in March and afford the County the opportunity to bid the project in timely manner. She advised that John Hunton, Capital Projects Coordinator, is working with Caroline Watts, Clerk of the Circuit Court, George Webb, Commonwealth Attorney, in an effort to keep them abreast of progress at the Estes House – he is also coordinating a moving schedule to ensure this is accomplished as smoothly as possible.

Hoover Ridge Ball field Project

Lisa Kelley, County Administrator, advised the County is about to advertise for bids on the Hoover Ridge Ball field Project which should occur a little later in the week.

William L. Crigler asked what the deadline will be, to which Lisa Kelley, County Administrator, advised has not been issued as of yet, but will probably be the middle of October 2007. She also advised that a pre-bid conference will also be scheduled so potential contractors can review the plans and specs for the project.

James L. Arrington asked if the bid was for the proposed roadway entering the property and the ball fields, to which Lisa Kelley, County Administrator, replied, “yes” but excludes final paving and finishing of the roadway. He also asked if any of the trees would be destroyed in the area of the farmer’s market, to which the answer was “no.”

William L. Crigler advised there are a couple of trees on the property that are dead and need to be removed.

Social Services

Lisa Kelley, County Administrator, advised the Department of Social Services is hiring some new staff members and John Hunton, Capital Projects Coordinator, is assisting them with diverting office space to accommodate additional staff members.

In closing, she advised there will be an advertisement for an architect to design expansion of the building.

Estes House

James L. Arrington asked about the progress of work being done on the Estes House and if everything was still on schedule and on budget, to which Chairman, Eddie Dean advised was correct.

Bob Miller stated he was advised by Jeff Walker that correspondence has been received regarding the grant application for broadband service.

William L. Crigler asked if any information was received pertaining to the grant for water study, to which Lisa Kelley, County Administrator, advised has not been received to date.

IN RE: MINUTES

Chairman, Eddie Dean stated the Board needed to approve Minutes #29, #30, and #31.

After discussion, on motion of James L. Arrington, seconded by Bob Miller, Minutes #29, #30 and #31 are approved as presented and spread in Minute Book #15, page through , with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

IN RE: PROPOSED FINANCE & PDR COMMITTEES

Chairman, Eddie Dean suggested the Board discuss concerns pertaining to the Finance & PDR Committees until the evening session.

William L. Crigler asked about procedures for discussing the names of individuals the Board would like to serve on the committees.

Lisa Kelley, County Administrator, advised should the Board wish to discuss the name(s) of potential committee members, this can be accomplished in closed session.

IN RE: PUBLIC COMMENT

Mr. O'Reilley thanked the Board for their input regarding the Animal Control Ordinance; he also thanked James L. Arrington for his ideas related to the concerns being presented. In closing, Mr. O'Reilley thanked Lisa Kelley, County Administrator, for volunteering to oversee the specifics of concerns being presented at today's session.

On motion of William L. Crigler, seconded by Chairman, Eddie Dean recessed the meeting until 7:30 p.m.

7:30 P.M.: Meeting reconvened with Chairman, Eddie Dean calling the meeting to order.

Chairman, Eddie Dean advised the first item of business will be to discuss the issuance of an IDA Bond.

IN RE: PROPOSED ISSUANCE OF IDA BOND (Woodberry Forest School)

V. R. Shackelford, III, County Attorney, provided an overview of the request being presented tonight with regarding the issuance of an IDA Bond; he advised there was a meeting of the IDA (Industrial Develop Authority) Board and all documents were reviewed and adopted.

V. R. Shackelford, III, County Attorney, advised that Eric Chapin, Treasurer, and Bruce Tibbetts, Director, were both present on behalf of Woodberry Forest School.

Eric Chapin, Treasurer, provided a full overview of the request being made by Woodberry Forest School with regarding to the IDA Bond and stated the funds will be issued at a variable demand rate and the amount will not exceed \$23,250,000.00. Mr. Chapin advised the funding will be utilized to complete upgrades to the Dow-Finch dormitory (add [13] new beds); however, there will be no increase to the new track or

other athletic fields at this time. He also stated renovations will also be made to the stadium, a lake will be constructed to facilitate fire suppression for the school, the pool and bathhouse will be rebuilt and renovations will be initiated to the Walker Building.

Add

Chairman, Eddie Dean explained to those in attendance that Madison County is in no way guaranteeing or indebting the County in any way with the proposed IDA Bond request – he also explained the requested funding is derived from the sale of bonds.

Eric Chapin also advised the Woodberry Forest School is rated by Moody Investors of New York State.

In closing, Eric Chapin also advised the debt will be issued by usage of a letter of credit provided by the Sun Trust Bank and thus, completed his presentation of the Resolution for adoption by the Madison County Board of Supervisors.

RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA

WHEREAS, Woodberry Forest School (the “School”), a not-for-profit Virginia nonstock corporation which owns and operates an independent preparatory school for boys, has requested the Industrial Development Authority of Madison County, Virginia (the “Authority”), to issue its revenue bonds (the “Bonds”) pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in an amount not to exceed \$23,250,000; and

WHEREAS, the campus of the School is located approximately one mile east of U.S. Route 15 in Madison County, Virginia, and the School’s mailing address is 10 Woodberry Station, 898 Woodberry Forest Road, Woodberry Forest, Virginia 22989; and

WHEREAS, the proceeds of the Bonds will be used to (1) finance a series of improvements to the facilities and grounds of the School, including, without limitation, (a) the acquisition, construction and equipping of an outdoor swimming pool facility together with buildings for such facility and a new outdoor track and athletic facility, (b) the renovation of the School’s Walker Building, which contains dormitories, a dining hall and administrative offices, (c) the renovation of various additional buildings and facilities of the School, including, but not limited to, its Dowd Finch Dormitories, squash courts, stadium complex, and irrigation system, which renovations to the irrigation system may include the development of a lake to serve as a water reservoir for irrigation and to increase fire safety, and (d) routine capital improvements and equipment for the School; (2) refund all or a portion of the outstanding principal amount of the Authority’s \$5,750,000 Educational Facilities Revenue Bond (Woodberry Forest School), Series 2004 (the “2004 Bond”); (3) pay all or a portion of the costs of issuance of the Bonds,

funded interest on the Bonds, if any, and the cost of credit enhancement for the Bonds, if any; and (4) fund a debt service reserve fund for the Bonds; and

WHEREAS, the proceeds of the 2004 Bond were used to finance (1) the acquisition, construction and equipping of a new student dormitory (including faculty residences) of approximately 12,500 square feet, (2) the renovation and equipping of certain portions of the School's existing Walker Building, specifically the Dunnington Reading Room and adjacent college counseling offices (totaling approximately 4,200 square-feet of renovated space), and (3) the construction and equipping of a faculty residential house, specifically the interior renovation of "The Residence" of approximately 2,800 square feet; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") and Section 15.2-4906 of the Act require that the governmental unit (a) having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located and (b) on whose behalf the Bonds are issued, approve the issuance of such Bonds; and

WHEREAS, Section 147(f) of the Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice; and

WHEREAS, Section 15.2-4906 of the Act requires that such public hearing required by Section 147(f) of the Code be conducted by the Authority, and Section 147(f) of the Code permits such action by the Authority; and

WHEREAS, on August 28, 2007, in accordance with the requirements of Section 147(f) of the Code and Section 15.2-4906 of the Act, the Authority held a public hearing and adopted a resolution approving the issuance of the Bonds (the "Authority Resolution"); and

WHEREAS, the School has requested the Board of Supervisors of Madison County, Virginia (the "Board"), to approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act; and

WHEREAS, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board.

THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF MADISON COUNTY, VIRGINIA:

1. The Board hereby approves the issuance of the Bonds by the Authority for the purposes described above, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the School. Madison County, Virginia, does not have any obligation to pay the Bonds or the interest thereon or other costs incident thereto.

3. All acts and doings of the officers and members of the Board that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

4. This resolution shall take effect immediately upon its adoption.

Approved: September 11, 2007

Eddie Dean, Chairman
Madison County Board of Supervisors

CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Madison County, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a resolution duly adopted by the Board of Supervisors at a regular meeting duly held and called on September 11, 2007. A record of the roll-call vote by the Board of Supervisors is as follows:

	Aye	Nay	Absent	Abstain
Eddie Dean	<u>x</u>	_____	_____	_____
James L. Arrington	<u>x</u>	_____	_____	_____
William L. Crigler	<u>x</u>	_____	_____	_____
Bob Miller	<u>x</u>	_____	_____	_____
Clark Powers	<u>x</u>	_____	_____	_____

Clerk, Board of Supervisors of Madison County, Virginia

After discussion, on motion of James L. Arrington, seconded by Clark Powers, the Board voted to approve the Resolution for the Woodberry Forest School IDA Bond Request not to exceed \$23,250,000.00, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye

Clark Powers Aye

Chairman, Eddie Dean thanked Eric Chapin and Bruce Tibbetts for coming and wished Woodberry Forest School continued future success.

IN RE: JAMES OFFICE BUILDING (Planning Commission Case #SP-09-07-42/Review of Landscaping Plan)

David James, applicant, was present and explained the new landscaping that has been required for his commercial property which will provide clean up of the debris at the lot and provide an adequate buffer.

Chairman, Eddie Dean asked if this involved the site plan or landscaping Plan – he reiterated the Board will only deal with the landscaping plan that has to be approved.

James L. Arrington asked if a meeting had occurred with the neighbors to discuss the landscaping plan being proposed tonight and whether the plan was mutually agreed upon.

David James advised this had occurred and he also stated he will be looking at planting evergreens and not forsythias on the property; however, the growth of the trees will depend on the height of the power line(s).

Tom Smith of Cedar Hill Road was present and advised that a good meeting was held with Mr. James to discuss the evergreen buffer; however, Mr. Smith also read a letter for the record pertaining to the history behind the request being made by David James with emphasis being made on the “evergreen buffer.” He also referred to various comments made in the meetings over the past three (3) years pertaining to tonight’s proposal and an “evergreen buffer” being planted outside the utility right-of-way and on the developer’s property which will consist of Leland Cypresses 8’ tall and spaced no more than 7’ apart. He also referenced there was to be a meeting with property owners at that time and this didn’t occur until almost sixteen (16) months later. He indicated the applicant’s site plan was approved with a clause that a revised landscaping plan be submitted to the Madison County Board of Supervisors for approval as soon as possible, but no later than the time of the issuance of occupancy. Mr. Smith asked if September 2007 is “as soon as possible” based on the meeting held in May of 2006. In closing, he advised that he stands by the request that an evergreen buffer be planted

outside the utility right-of-way, which does not appear to be unreasonable.

David James stated he is willing to leave the current shielding on the property “as is” and has pledged he will “go either way.” He also stated the neighbors in the area knew for some time the property was for sale and also noted the property was designated as “Business, B-1” in the County’s Comprehensive Plan.

William L. Crigler asked David James if he still intends to plant evergreens.

Chairman, Eddie Dean also suggested a combination of vegetation (i.e. existing plants mixed with some evergreens) be situated at the site.

David James stated growth has to be taken into consideration and the site plan has conditions regarding this factor (i.e. future growth of such plants).

Chairman, Eddie Dean stated the Board will have to decide which landscaping plan is most acceptable.

V. R. Shackelford, III, County Attorney, advised the Madison County Planning Commission preferred a landscaping plan with different conditions; however, the Madison County Board of Supervisors does not have to accept the same conditions as previously presented.

Chairman, Eddie Dean asked if it would be best for the Madison County Board of Supervisors to indicate specific details to ensure all parties are aware of what will occur.

After much discussion, on motion of William L. Crigler, seconded by James L. Arrington, the Board approved the revised landscaping plan for the James Office Building presented by David James, applicant, with the following conditions:

1. The existing landscaping plan will denote that all existing vegetation (rough growth) is to remain “as is”;
2. Improvements are to be made with regard to site distance to the Morgan property by one hundred feet (100’) [to the first pole]; and
3. With the condition that any changes to the existing growth in the area on behalf of the applicant(s) [David L. and/or Michelle L. James] must be resubmitted for approval by the Madison County Board of Supervisors as a site plan amendment, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

David James reiterated that he will appear before the Madison County Board of Supervisors if any changes will need to be made; however, he reiterated that he has no power to change any decisions or conditions as established by the local power company and he did not want to be penalized if they deem that future changes are necessary (i.e. removal of vegetation, or cutting of any vegetation).

Lisa Kelley, County Administrator, also indicated the local power supply company can implement any needed changes in the easement and they are not bound by the County's Ordinance(s). She also stated David James will have the right to clear the area in his easement but he doesn't have the right to plant something in the easement that will infringe on the power lines – if this is done, the power supply company has the right to come in and remove or reduce the side of whatever is planted.

IN RE: PDR & FINANCE COMMITTEE

Chairman, Eddie Dean asked for input on the Board's proposal to designate a PDR & Finance Committee.

Bob Miller asked if the Board plans to move forward with these proposed committees and suggested some personal recruiting be initiated.

Chairman, Eddie Dean advised he feels the Board should move forward and involve citizens; he advised that an article will be appearing in an upcoming edition of the Madison County Eagle.

Chairman, Eddie Dean also stated the Board may want to think about formalizing additional committees over time and citizens should be encouraged to become involved.

William L. Crigler asked if there should be some discussion as to how many participants will be needed on each committee.

Chairman, Eddie Dean asked if a range was suggested; he also suggested the Board accept more applications and that a deadline not be mandated at this time.

Bob Miller suggested the proposed Committees be looked up as a "living

body” and be given the option to decide whether to take on new members as the members see fit.

Chairman, Eddie Dean suggested the Board advertise also suggested the Board advertise that a report will be sought from each committee within six (6) months of being established (i.e. preliminary or final).

After discussion, on motion of Bob Miller, seconded by James L. Arrington, the Board voted to reopen the application process for the PDR & Finance Committees which will remain open, with the following vote recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Aye

Bob Miller asked Lisa Kelley, County Administrator, to review the list of names who previously requested to be considered for committee appointment(s).

IN RE: BOARD WORKSHOP SESSIONS

Chairman, Eddie Dean stated that William L. Crigler advised when the Madison County Board of Supervisors originally established the Board Workshop Sessions, the Board intended to have these sessions for Board discussions only and not for public comment – the only public comment to be heard was to be from persons who the Board specifically invited to provide input – it appears the Board has moved away from the original context and Chairman, Eddie Dean stated there was nothing officially recorded in the minutes; therefore, he suggested the Board have the option to design the Workshop sessions in a manner in which the Board deems necessary with the exception of the Board not taking any vote on subject matter being presented.

Chairman, Eddie Dean advised since the appointment of the existing Madison County Board of Supervisors, the meetings have been more open and public oriented and there has been participation encouraged from those in attendance which has been very positive.

With no further action being required by the Board, on motion of James L. Arrington, seconded by Bob Miller, Chairman, Eddie Dean adjourned the meeting until Friday, August 24, 2007 at 2:00 p.m. at the Thrift Road Complex with the following vote

recorded:

Eddie Dean	Aye
James L. Arrington	Aye
William L. Crigler	Aye
Bob Miller	Aye
Clark Powers	Absent

James L. Arrington Vice-Chairman

Lisa R. Kelley, County Administrator

Date: September 12, 2007

Copies: Eddie Dean, James L. Arrington, William L. Crigler, Bob Miller, Clark Powers,
V. R. Shackelford, III & Constitutional Officers
